

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION
31.11.01 – SAFETY AND ACCIDENT REPORTING RULES FOR
UTILITIES REGULATED BY THE
IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 61-515, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the Commission's address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission's Safety and Accident Reporting Rules (IDAPA 31.11.01) adopt by reference several national safety codes applicable to electric and natural gas utilities and federal safety regulations applicable to natural gas and pipeline utilities. Currently, Rule 201 adopts the 2011 edition of 49 Code of Federal Regulations (CFR) Parts 191-193, 195 and 199 addressing the construction and operation of natural gas pipelines. Next, Rule 202 incorporates by reference the 2012 edition of the International Fuel Gas Code (IFGC) published by the International Code Council. Finally, Rule 203 incorporates by reference the 2012 edition of the International Mechanical Code (IMC) for natural gas or gas-burning appliances. The Commission proposes to update these three safety rules by adopting the 2015 edition of the IMC, the 2015 edition of the IFGC, and the October 1, 2014 edition of the federal pipeline safety CFRs. There are no major revisions to the 2011 edition of the federal Pipeline Safety Regulations.

There are several revisions included in the 2015 edition of the IFGC. First, the Code Council has added Section 307.6 regarding the operation of new condensation pumps located in uninhabitable spaces. Second, Sections 402.2 and Tables 402.4(3) and 402.4(4) have been revised to address volumetric flow rates of new gas appliances above 2,000 feet in elevation and Schedule 40 metallic pipe. Finally, Sections 404.5 through 404.7.3 have been revised to improve the integrity of new piping systems in concealed locations.

There are also several revisions included in the 2015 edition to the IMC. First, Section 505.3 requires common exhaust systems for new domestic kitchens in multistory buildings to

comply with revised design requirements. Sections 507.1 through 507.1.2 revised design features for new commercial kitchens using natural gas. Section 601.5 has revised the return air opening standards. Finally, Section 412.6 addresses the transfer of LP-gas dispensing operations and safety clearances.

FEE SUMMARY: There are no fees associated with this proposed rulemaking.

FISCAL IMPACT: There is no fiscal impact on the state general fund resulting from this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this proposed rule adopts updated national safety codes and federal regulations necessary for the safety of utility employees and the public during the installation, operation, or maintenance of natural gas pipelines, fuel gas systems and natural gas-fired appliances.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Adoption of the current national safety codes and the CFRs will make these rules consistent with federal safety regulations concerning natural gas and pipeline utilities. In addition, incorporation of the two other national safety codes will promote the safety of utility employees, utility customers, and the public. Finally, incorporation by reference will mitigate the need to publish hundreds of pages of safety codes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 28, 2015. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 31st day of August 2015.



Jean D. Jewell
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Idaho Public Utilities Commission
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**IDAPA 31
TITLE 11
CHAPTER 01**

**31.11.01 - SAFETY AND ACCIDENT REPORTING RULES
FOR UTILITIES REGULATED
BY IDAHO PUBLIC UTILITIES COMMISSION**

201. FEDERAL NATURAL GAS SAFETY REGULATIONS (RULE 201).

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 2014~~4~~) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2014~~4~~), except that federal accident reporting requirements contained in the rules adopted by reference in Rule 201 are replaced for state reporting purposes by orders of the Commission or rules of the Commission. These regulations are found in the Code of Federal Regulations, available on the web from the U.S. Government Bookstore, <http://bookstore.gpo.gov>, and click on "Code of Federal Regulations," or by calling toll-free 866-512-1800. The incorporated CFR Parts are also available in electronic format at www.gpoaccess.gov/cfr/index.html. All gas and pipeline corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of these federal regulations adopted by reference. (3-29-12)()

202. INTERNATIONAL FUEL GAS CODE (IFGA) (Rule 202).

01. Incorporation by Reference. The Commission incorporates by reference the International Fuel Gas Code, 2012~~5~~ Edition except for Part 2 of Chapter 1. The International Fuel Gas Code is published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001-2070. The Code is available from the Code Council and may be ordered online at www.iccsafe.org/Store/Pages/default.aspx. Telephone orders may be placed by calling toll-free 800-786-4452. (3-29-12)()

02. Utility Compliance. All gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Fuel Gas Code and to connect for service and light only those installations that: (3-20-04)

- a. Have been inspected and approved by authorized agencies; or (4-1-98)
- b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Fuel Gas Code as a condition of receiving service or continuing to receive service. (3-20-04)

203. INTERNATIONAL MECHANICAL CODE (IMC) (Rule 203).

01. Incorporation by Reference. The Commission incorporates by reference those portions of the 2012~~5~~ International Mechanical Code explicitly referring to gas or gas-burning appliances except Part 2 of Chapter 1. The International Mechanical Code is published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001-

2070 and may be ordered by calling toll-free 800-786-4452 or online at www.iccsafe.org/Store/Pages/default.aspx. (~~3-29-12~~)()

02. Utility Compliance. Gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Mechanical Code and to connect for service and light only those installations that: (3-20-04)

a. Have been inspected and approved by authorized agencies; or (4-1-98)

b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Mechanical Code as a condition of receiving service or continuing to receive service. (3-20-04)



Proposed/Temporary Administrative Rules Form

Section 1 (To be Completed by Agency)

Agency Name: IDAHO PUBLIC UTILITIES COMMISSION		STARS Agency Code: 900	Fax Number: 334-3762	Date: July 22, 2015
Contact Person: Don Howell	Title: Dep Attorney General	Phone: 334-0312	Email: Don.howell@puc.idaho.gov	
Person Authorizing Rule: Paul Kjellander	Title: President, PUC	Phone: 334-2898	Email: Paul.kjellander@puc.idaho.gov	
Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): I.C. 61-515				
Title, Chapter, and Possible Docket (IDAPA) Number: 31-1101-1501				
This rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary		Effective Date: After sine die of the 2016 Session		
If this is a temporary rule: N/A <input type="checkbox"/> Necessary to protect the public health, safety, or welfare; or <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs; or <input type="checkbox"/> Conferring a benefit. Please explain: 				
If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2): 				
Agency has determined according to Idaho Code 67-5220(1): <input type="checkbox"/> This rule is to be negotiated <input checked="" type="checkbox"/> Negotiation of this rule is not feasible				
If rule is negotiated: Agency certifies that the rule <input type="checkbox"/> has been or <input type="checkbox"/> will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). (indicate which)				
If rule negotiation is not feasible, the agency has determined: <input type="checkbox"/> Rule is temporary; or <input type="checkbox"/> Lack of identifiable representatives of affected interests; or <input type="checkbox"/> Rule is simple in nature; or <input type="checkbox"/> Affected interests are not likely to reach consensus; or <input checked="" type="checkbox"/> Other.				
Please explain: Negotiated rulemaking under 67-5220(2) is not feasible because the updated federal pipeline safety regulations (adopted in the proposed rule) are already mandatory for natural gas pipeline operators and utilities in Idaho. The updated safety revisions of the Mechanical Code and the Fuel Gas Code also promote uniform public safety standards nationwide.				
Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds: No fiscal impact. The cost of publication is estimated to be about \$150 from the PUC's dedicated fund.				

Provide a short explanation of the need for this rule:

This rule adopts the current edition of the federal pipeline safety regulations applicable to natural gas utilities and pipelines operating in Idaho and is a requirement for the PUC to maintain federal funding for our State inspection program.

Provide a short summary of the changes this rule makes:

Update to Idaho safety rules to reflect adoption of the current edition of the federal pipeline safety regulations found at 49 CFR Parts 191-193, the 2015 edition of the International Mechanical Code, and the 2015 edition of the International Fuel Gas Code. The International Codes are updated every 3 years. There are no major revisions to the federal pipeline safety regulations. The Mechanical Code revised design features for new commercial kitchens using natural gas and common venting, and safe operating clearances for new LP-gas dispensing operations. The Fuel Gas Code revised the safety requirements for new condensation pumps in uninhabitable spaces and air flow rates for new gas appliances operating above 2,000 feet in elevation.

Provide a list of those persons or interest group(s) affected by this rule: Natural gas utilities, natural gas pipeline operators, installers for natural gas appliances, and the general public.

Section 2 (To be Completed by DFM)

DFM Analyst Comments:

Rule change will enable continued compliance with federal and international code.

DFM Analyst Fiscal Impact Review:

Estimated fiscal impact to PUC's dedicated fund is negligible. There is no fiscal impact to any other funding source.

DFM Analyst Signature & Date:

N. J. Landry 07/23/2015

Recommend:

☒ Yes ☐ No

Gov Special Assistant Signature & Date:

Stephen Goodson 8/20/2015

Recommend:

☒ Yes ☐ No

DFM Administrator Action:

☒ Approved

☐ Authorized to Advance Rulemaking Process, DFM to review draft rule prior to publication (See Section 3)

☐ Not Approved

DFM Administrator Signature & Date:

 8/21/2015

Section 3 (To Be Completed By DFM if Required)

DFM Analyst Signature & Date:

Recommend:

☐ Yes ☐ No

DFM Administrator Signature & Date:

Approved:

☐ Yes ☐ No

Return via email to: info@dfm.idaho.gov

RULEMAKING CHECKLIST FORM

Docket Number (Assigned by the Office of Administrative Rules): 31-1101-1501

(OAR will assign docket number to Negotiated, Proposed and Temporary rulemakings.)

IDAPA, Title, and Chapter Number and Chapter Name:

31.11.01 -- Safety and Accident Reporting Rules for Utilities

Agency: Idaho Public Utilities Commission

Agency Contact and Phone Number: Don Howell 334-0312

Legal Authority for rulemaking - Idaho Code Section(s): 61-515

This rulemaking is a: (Check at least one; it may be necessary to check more than one.)

Negotiated Rulemaking ☐ Proposed Rulemaking ☒ Temporary/Proposed Rulemaking ☐

Temporary Rulemaking ☐ Effective Date of Temporary Rule: _____

Temporary Rule Justification (See Idaho Code Section 67-5226):

- ☐ Protection of the public health, safety, or welfare; or
- ☐ Compliance with deadlines in amendments to governing law or federal programs; or
- ☐ Conferring a benefit.

Pending Rule ☐ Date Pending Rule Will Become Effective: _____

Amendment to Temporary Rule ☐ Rescission of Temporary Rule ☐

Correction to Pending Rule ☐ Vacation of Rulemaking ☐

Does any portion of this rulemaking impose or increase a fee or charge?

If yes, provide a specific description along with the citation of the statute authorizing the imposition or increase.

No

Does this rulemaking have a negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year?

If yes, include a descriptive summary of the fiscal impact involved.

No

Does this rulemaking necessitate changes in other rules?

If yes, please specify.

No

Does this rulemaking incorporate by reference other documents?

Specify an exact description of document(s) incorporated by reference.

Yes. Code of Federal Regulations, National Electrical Safety Code, International Fuel Gas Code, and International Mechanical Code

HAVE YOU...

- XX 1. Had your legal counsel review your rulemaking?
- XX 2. Received Director, Board or Commission approval for the rulemaking?

HAVE YOU INCLUDED...

- XX 1. An approved Proposed/Temporary Administrative Rules Form (PARF)?
- XX 2. An electronic version of the Notice and complete text of the rule changes in Microsoft Word?
- XX 3. An 8 1/2 by 11 hard copy of the Notice and the complete text of the rule changes?